

REMARKS

There remains pending in this application claims 1-7, of which claim 1 is independent. No claims have been added or cancelled.

Applicants have amended the claims to address the formal objection to claim 7 as well as the rejections of claims 1-7 under 35 U.S.C. § 112, second paragraph. Applicants respectfully submit that the amendments to the claims address the rejections under § 112, second paragraph, and that those rejections should now be withdrawn.

The invention as set forth in independent claim 1 is directed to a sheet treating apparatus for subjecting a sheet transported from an image forming apparatus to treatment. The apparatus comprises a sheet stacking portion which is arranged to stack a sheet transported by a sheet transporting force of the image forming apparatus without a transporting drive force of the sheet treating apparatus, a sheet treating portion which is arranged to subject the sheet transported from the image forming apparatus to a post-treatment, a sheet guiding portion which is arranged to selectively guide the sheet transported from the image forming apparatus to one of the sheet stacking portion and the sheet treating portion and a sheet treatment control portion which controls the sheet treating apparatus. The invention is characterized in that the sheet treatment control portion arranges the sheet guiding portion to be in a position to guide the sheet to the sheet stacking portion in a state in which a power supply of the sheet treating apparatus is turned off.

Claims 1, 2, 6, and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Asao (U.S. Patent No. 6,120,020). In view of the above clarifying amendments and the following remarks, the rejections are respectfully traverse.

Asao is directed to a sheet post-processing device which includes a storing tray for storing a sheet and a process tray for post-processing the sheet. Asao provides that sheet discharged by a pair of transfer rollers 10 are subjected to a jogging function by guide means 20 as one of sheet treating portions, stapled on a process tray 30, and then discharged onto a storing tray 16. Asao also provides that sheets not subject to stapling are discharged onto the storing tray 16 after the sheets which are subject to the jogging function.

In accordance with Asao, even when the sheets not subject to a post-treatment operation are discharged onto the storing tray 16, which is identified as corresponding to the sheet stacking portion of claim 1, a pair of transfer rollers 44, a pair of ejection rollers 18, and the pair of transfer rollers 10 exert a conveyance drive force on the sheet. It is therefore respectfully submitted that the storing tray 16 of Asao does not correspond to the sheet stacking portion as recited in claim 1.

Moreover, a sheet holding lever 46 of Asao supports the leading end of a sheet on the process tray 30 where the guide means 20 from below holds down the trailing end of a sheet discharged onto the storing tray 16 from above, and serves as a guide when conveying a sheet on the process tray 30 or the guide means 20 onto the storing tray 16. Thus, the sheet holding lever 46 does not function to selectively guide a conveying sheet to between the storing tray 16 and a sheet treating portion. It merely guides a sheet passed through the sheet treating portion to the storing tray 16. Thus, the sheet holding lever 46 of Asao is not believed to correspond directly to the sheet guiding portion as defined in claim 1.

As it is believed apparent from Figure 1 of Asao, the sheet discharged from an image forming apparatus is conveyed through a guide path 42 to the transfer roller 44, and an

upper one of the two transfer rollers. The guide path 42 is divided into two paths downstream of transfer roller 44. One path is for conveying a sheet to a sheet treating portion and the other path is for conveying a sheet to a tray above the process tray 30. A member above the transfer rollers 44 must be present to select between the paths. Asao does not teach or suggest what position the member is in when the power supply of the image forming apparatus is turned off. Thus, Asao is not believed to teach or suggest the characterizing clause of claim 1.

Moreover, in Asao, when a sheet discharged from the image forming apparatus is stacked on the tray above the process tray 30, a sheet conveyance drive force of the sheet treating apparatus is required because the sheet is conveyed by the transfer rollers 44. Accordingly, Asao does not teach or suggest to stack a sheet without requiring a conveyance drive force of the sheet treating apparatus.

For the foregoing reasons, it is respectfully submitted that independent claim 1 is distinguishable over the applied reference.

The remaining claims in the above application depend from claim 1 and are therefore patentable over the art of record for reasons noted above with respect to claim 1. In addition, each recite features of the invention still further distinguishing it from the applied art. Favorable and independent consideration thereof is respectfully sought.

Applicants respectfully submit that all outstanding matters in the above application have been addressed and that this application is in condition for allowance. Favorable reconsideration and early passage to issue of the above application are respectfully sought.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L. Stahl', written over a horizontal line.

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